

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

S.C., a Protected Individual,

Plaintiff,

Case No. 06-15222

v.

Hon. Marianne O. Battani  
Magistrate Judge Donald Scheer

HARPER-HUTZEL HOSPITAL, et.  
al.,

Defendant.

\_\_\_\_\_ /

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION AND DENYING PLAINTIFF'S MOTION TO REMAND**

Plaintiff filed this Complaint in Wayne County Circuit Court on July 3, 2006. Defendant Muriel Jeanette Espy filed a Notice of Removal pursuant to 42 U.S.C. § 233 and 28 U.S.C. § 2679(d). Plaintiff objected to removal and filed a Motion to Remand. The matter was referred to Magistrate Judge Donald A. Scheer, pursuant to 28 U.S.C. § 636(b)(1)(B).

In a Report and Recommendation ("R&R") dated February 9, 2007, Magistrate Judge Scheer recommended that Plaintiff's motion be denied. The Magistrate Judge further informed the parties that objections to the R&R must be filed within ten days of service and that a party's failure to file objections would waive any further right of appeal. Neither party filed an objection.

Because no objection has been filed in this case, the parties waived their right to review and appeal. Accordingly, the Court **ADOPTS** the Magistrate Judge's

recommendation and **DENIES** Plaintiff's Motion for Remand.

**IT IS SO ORDERED.**

s/Marianne O. Battani

MARIANNE O. BATTANI  
UNITED STATES DISTRICT JUDGE

DATE: March 1, 2007

**CERTIFICATE OF SERVICE**

A copy of this Order was e-filed and/or mailed to Howard J. Victor, Thomas R. Shimmel, and Peter A. Caplan on this date.

s/Bernadette M. Thebolt  
Deputy Clerk